

HURLEY HER FRIEND, ASSERTS MRS. BACON

Woman Testifies in Action
Brought by Lawyer for
Balance of Fee.

SHE DROPPED SUIT AGAINST OIL MAN

Refused to Pay All Asked, She
Said, Because She Didn't
Need Counsel.

"Mr. Hurley and I are now friends," said Mrs. Bacon yesterday in the Supreme Court. This statement was made in the Supreme Court yesterday by Mrs. Jessie B. Bacon, who contemplated a suit for breach of promise against Michael Joseph Hurley, of St. Louis, an official of the Standard Oil Company, and explained why she discontinued the services of George E. Fleming, her lawyer. Fleming sued Mrs. Bacon for \$2,500 for services. The trial of the action was held yesterday and the jury will render a verdict this morning.

It developed at the time Mrs. Bacon retained Fleming, he was also counsel for Baroness Ursula von Kallinowski, also known as Baroness Bab, who was then preparing to bring her suit for \$2,500,000 against Hurley for breach of promise. But, as Mrs. Bacon said on the stand yesterday, the suit of the baroness "blew up," and, as her own proposed action depended largely on that of the other alleged "sister" woman, her case also went by the board, so she had no further need for a lawyer. Mrs. Bacon stated that Fleming wanted her case for the "side lights" that it might throw on that of the baroness. But, as she said, each of her clients was a different person, and she was not prepared to make a deal with a lawyer.

"I thought I had a case against Mr. Hurley," said the defendant in yesterday's action, "but I guess I did not. Mrs. Bacon was asked, when she left the courtroom, about the reasons that caused her to discontinue her plan to sue Hurley.

"It is not safe to assume anything not based on what was said in court," she said. "I will only say that I expected soon to make my debut in music in New York."

From letters written by Mrs. Bacon to Fleming, telling her attorney what she knew about Hurley, it appeared that she and Hurley met in 1912, in Paris, and while staying at the Continental Hotel they became engaged. The wedding day was set for February 27, 1915.

In one letter Mrs. Bacon said of the man, who is now her friend, as she said: "He is shrewd but uneducated. He is sly, deep as the sea, very de-

ceitful and non-committal. I nicknamed him 'Nap,' because he spent so much time in the atmosphere of Napoleon and Josephine."

Another time Mrs. Bacon wrote: "One must think from his love letters to me that he never knew that another woman was living on the face of the earth. He is what slang would term 'smooth,' but the dearest, the grandest, the gentlest, the most soothing actor I have ever known. If he were true and honest and good, I could love to death. But he isn't so there."

As a student of human nature, said Mrs. Bacon, she had not a single reason to doubt the St. Louis man "until the Koenigsberg interested himself in assisting the baroness."

"I have proof enough for a dozen cases," Mrs. Bacon wrote her lawyer. "I called upon the baroness in New York to show me proof of her engagement, but she offered me none. I have even wedding presents I have not returned and every token of a knave's undying love and devotion, so it has turned out to be a bad joke. Ah, me, it is a queer end. Yet he must atone, so let it be \$200,000."

Mrs. Bacon testified yesterday that she had not received anything from Hurley for changing her mind about suing him. The action of Baroness "Bab" was also dropped. She paid Fleming \$6,000 of a \$10,000 bill for legal services, explaining that the other \$4,000 was not paid because of the outbreak of the war in Europe.

Mrs. Bacon dispensed with the services of Fleming and refused to pay his bill because, as she said, he rendered no service. "The reason that I dropped you as attorney was that you never did anything," said the defendant on the witness stand. "Mr. Hurley himself told me so. The suit you brought against him for the baroness was not a good case. It blew up and you were afraid to go to St. Louis. After that what chance had I with you as an attorney? Mr. Hurley and I are now friends, but he never paid me a cent to drop the suit."

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"Have you time to engage in other outside activities?" shot Hayward, thinking perhaps to trap the witness. But the attempt went wild.

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Transit Law and Lore Deep Mysteries to Cram

Continued from page 1

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Senator Thompson intimated he had heard that the city might be pleased to have the subway work delayed because of the financial conditions. Cram said he did not think anybody would be pleased by such a delay, and a matter of fact it would cost the city interest on money already tied up.

Witness Scores Reformers. Then the Commissioner continued with something that evidently was in his mind and which he wanted to get out in regard to the reorganization of the commission.

"I should certainly not advise you to create a non-partisan commission, because I think of all things a Democratic-Republican or a Republican-Democratic is the most contemptible (except possibly some reformers). But I certainly would keep the commission alive."

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BRIDGING HARD TIMES

CONSISTENT saving
may not prevent al-
together the suffering due
to hard times but it cer-
tainly helps to bridge
them.

Our Guaranteed First
Mortgage Certificates
promote consistent sav-
ing and pay you good in-
terest besides. Full in-
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MAIL BROTHERS OUT ON BAIL

Mrs. Hutt, Whose Gems Were
Stolen, Shocked at Arrest.
Their Lawyer Says.

Roswell and Floyd E. Vail, brothers, who were arrested Tuesday night accused of knowing something about the theft of \$5,000 in jewelry from the apartment of Mrs. Edna Hutt, divorced wife of the artist, Henry Hutt, were released last night in \$5,000 bail each. Hearing was set for tomorrow morning at nine o'clock.

Mrs. Hutt was not in the West Side Court when the curb brokers were arrested yesterday, but it was said by Paul Kierman, of 141 Broadway, attorney for the brothers, that she was greatly shocked at learning of their arrest and would appear when their trial was called.

The jewelry was stolen on the night of April 30, while Mrs. Hutt and her son were dining in another room with Floyd Vail. Although she is technically the complainant, having reported her loss to the police, it was on an affidavit made by John Bohan, night watchman, of 329 West Seventy-seventh Street, that the two men were arrested.

According to the statement of Bohan, who at one time was employed by the "Brokers' father, he was standing in West Seventy-seventh Street, and saw Floyd pass something out of the window of Mrs. Hutt's house to Roswell, who was on a plank placed against the wall. Her apartment is at 246 West End Avenue was on the ground floor.

When the Vails were approached by detectives and asked to accompany them to Police Headquarters to talk over the affidavit made by Bohan, it is alleged that the men attempted to resist. Their arrest followed. Bohan went to Inspector Faurot yesterday and had a long talk with him.

A friend of Bohan's told Martin Sheridan, a detective, that Bohan knew the Vails, and that in that way, it is alleged, the steps toward the arrest of the Vail brothers were taken.

The elder Vail, father of the accused men, is a well-known electrician, and it was alleged that the evidence upon which they were apprehended would not be sufficient to hold them when their case came to trial.

WANTS THE STATE CONVENTION BACK

Albany, Feb. 10.—A bill restoring the state convention will be introduced by Senator George F. Argeisinger, of Buffalo, Monday night. It empowers the state chairman of any political party to call a convention, after an unofficial primary has been held, at which delegates to the convention—three from each Assembly District—shall be elected.

The convention will have power to choose candidates for elective state offices and provision will be made also for the selection of delegates to a convention to be held in Presidential election years to choose delegates to a national convention.

The measure furthermore provides for a change in the date of primary day. At present primary day falls on the fifth Tuesday prior to Election Day. Senator Argeisinger's bill makes it two weeks earlier.

To preserve the purposes of the direct primary law the bill provides that a place be reserved on the primary ballot for other candidates than those chosen at the state convention. It goes away with the drawing of lots by rival candidates for places on the ticket. Hereafter, if the bill becomes a law, and it is understood it has the necessary backing, places on the primary ballot will depend on the order in which the candidates for nominations file their petitions.

Cram Used P. S. Auto for Many Jaunts to Club and Country

Commissioner Cram testified he had used a Public Service Commission automobile only to take him from his home in Old Westbury to the offices of the commission after he had broken his leg. This is the blue card record of the car with the Commissioner on days in 1914 when it did not take him to his office:

Date	Trip	Mileage
April 18—86th St. (with Commissioner McCall)—Westbury—Glen Cove		78
May 21—E. 38th St.—Westbury—38th St.		104
June 19—Westbury—Hotel Knickerbocker—38th St.		65
July 24—Hempstead—Westbury—10th St.—Piping Rock		140
August 11—Westbury—Piping Rock—41st St.—33d St.		75
August 17—Westbury—Piping Rock		79
August 18—Westbury—Piping Rock—Fox's Point—Westbury		150
August 28—Westbury—32d St.—10th St.—38th St.—Piping Rock		122
August 31—Westbury—Piping Rock		69
September 1—Westbury—32d St.—38th St.—60th St.—Westbury		119
September 8—Westbury—10th St.—Westbury		118
September 9—Westbury—32d St.—40th St.—Piping Rock		118
September 10—Westbury—32d St.—40th St.—Piping Rock		118
September 11—Westbury—38th St.—32d St.—Piping Rock		125
September 23—Westbury—Mineola—Westbury		133
September 26—Westbury—Piping Rock—Westbury		78
October 10—Westbury—10th St.—Park Av.—Piping Rock		87
October 20—Westbury—Piping Rock—Westbury—16th St.—32d—40th		169
November 3—Westbury—Piping Rock—10th St.		67
November 5—Westbury—40th St.—38th St.—60th St.—10th St.		44
November 9—Westbury—Smithtown—10th St.		111
November 10—Piping Rock—10th St.—Westbury		88
November 18—Westbury—Piping Rock—Westbury		69
November 24—Westbury—Piping Rock—10th St.—Westbury		122
December 30—Westbury—Smithtown—Westbury—78th St.		120

In explanation of above, it may be stated that Cram lives in East Thirty-eighth Street. The Brook Club is in Fortieth Street and the Metropolitan Club at Sixtieth Street. The Commissioner is a member of both. There are 125 cards in all showing trips of the Commissioner in the Public Service Commission automobile.

MAXIM SHOOTS TO DEFEND SILENCER

Woods and Perkins Listen
as Inventor Fires at
Police Mark.

Hiram Percy Maxim, inventor of the Maxim silencer, demonstrated yesterday to his own satisfaction, at least, that his invention is not an aid to criminals. Police Commissioner Woods, District Attorney Perkins, Assistant District Attorney Deacon Murphy and Inspector Faurot, who witnessed the demonstration of the Maxim silencer, are not convinced yet, however, that the device is a harmless firearm accessory.

Mr. Maxim's demonstration was the result of his own solicitations, following the letter sent to Mayor Mitchell by Mr. Woods after the killing of four of the Auerbach family a week ago last Sunday by a silencer equipped rifle. The Commissioner's letter was similar to epistles he sent to the Corporation Counsel and to the District Attorney, demanding the enactment of a law prohibiting the sale or possession of silencers in this city. At that time Mr. Woods expressed the belief that unrestricted use of the device would increase gunplay activity and put a premium upon crime in general.

Using the same rifle with which Herman Auerbach, the real estate dealer, who lived in Central Park West, killed his wife, his two daughters and himself, unheard by his son in an adjacent room, Hiram Maxim yesterday shot at a target in the departmental shooting gallery at Headquarters, while the several persons listened in a hall outside the room. The rifle was first fired without the silencer attachment, then with it affixed. Mr. Maxim made his tests also with other rifles, revolvers and automatic pistols.

Shots at the electrically lighted target at ranges varying from ten to fifty yards were made in the gallery, which is a long, narrow, vaulted passage lined with wood.

In the hallway outside Mr. Perkins, Mr. Woods, Hudson Maxim and other officials compared the reports of the shots made without the silencer and with it attached. They found the detonation was reduced one-half in the former instance and that the nature of the explosion was entirely changed, so much so as to be almost unrecognizable at first. Mr. Maxim insisted, however, that the effect of the silencer on rifle reports has been greatly exaggerated. He told the Commissioner that it was impossible to make rifle fire soundless.

The inventor demonstrated that the use of ordinary revolvers is impracticable. On an automatic pistol it causes a backfire. Experts among the listeners agreed that the effect of the device was less than commonly believed.

UNIONS FOR TRAFFIC MEN

Arrangements were made yesterday by the Federated Labor Body for a special convention on Thursday at Beethoven Hall, 210 Fifth Street, to take up plans for organizing workers in a number of occupations, especially the employees on the trolley lines, elevated railroads and subways.

Samuel Compers and Frank Morrison, of the American Federation of Labor, will be present. William D. Mahon, president of the Amalgamated Association of Street and Electric Railway Employees, has also been invited.

Elect Broker Hospital Head.

Howard F. Whitney, a broker, of 17 Broad Street, was elected president of the Bedford Sanatorium for Working People, at the annual meeting yesterday. This institution for tuberculous patients has been in existence more than a year at Bedford, L. I., and is supported by capitalists and the Central Labor Union, which represents all the labor organizations of Brooklyn.

Old English Furniture for the Homes of Today

IT is largely to their alluring furniture, accumulated by successive generations of well-bred Squires that the rooms of so many old English Country Houses owe their pervading air of dignified repose and aristocratic elegance.

Only among the Hampton Shops Reproductions may be found the individual piece which will serve to give a touch of the same distinction to the modern room.

It may be a carved Mahogany Chippendale Settee with its sweeping back of cane work and its seat littered with comfort-suggesting cushions—it may be a William and Mary Escritoire-Bookcase of Walnut whose tall front opens to view a tempting array of neatly fitted drawers and pigeon-holes; or, perhaps, merely a high-backed arm-chair, of the Queen Anne's period.

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563 FIFTH AVE., COR. 46TH ST. 427 FIFTH AVE., AT 38TH ST.
27 W. 34TH ST., Bet. 5th & 6th Aves. 153 W. 42D ST., Near Broadway
23 W. 42D ST., Bet. 5th & 6th Aves.

WHITMAN CALCIUM ON MORE BUREAUS

New Bills in Legislature to Re-organize State Offices and Oust Democrats.

[From a Staff Correspondent of The Tribune.] Albany, Feb. 10.—More bills for the reorganization of state departments and reduction in expenses, which will result in the ousting of many Democratic officials, appeared in the Legislature to-day.

An administration measure introduced by Assemblyman John Knight, of Wyoming County, would restore the Agricultural Department to its status before the Democrats got control, four years ago. It reduces the salary of the Commissioner from \$8,000 to \$6,000 and strikes out the provision that the Commissioner may appoint four deputy commissioners, but allows him to have such assistant commissioners and clerks as may be necessary.

Calvin J. Huson, of Pen Yan, is the present Commissioner, and the question as to the length of his term of office is now before the Attorney General. Democrats hold he has two more years to serve, while Republicans contend his term expired this month.

A bill by J. Leslie Kincaid, of Onondaga, would abolish the Department of Foods and Markets and have all its papers and equipment turned over to the State Librarian. John J. Dillon is the Commissioner, having been appointed for five years by Governor Glynn at a salary of \$6,000.

Another bill bearing on produce markets was introduced by Senator Ogden L. Mills. It authorizes the Board of Estimate and Apportionment of New York City to establish a department of markets, the head of which is to be appointed by the Mayor and the board is to fix his salary.

A bill to help meet the labor situation in New York City was introduced by Assemblyman John P. La Frenet, of Kings County. It provides that if a mechanic or laborer occupying a tenement and paying not more than \$15 a month rent becomes in arrears, and is in danger of being dispossessed, he may apply to the nearest magistrate or to a justice of Special Sessions for leave to continue for two months longer, on the ground that he has been unable to secure employment. After the case has been investigated the court may issue such an order, and the landlord may present it to the tax collector in lieu of taxes up to the amount specified.

HOUSEWIVES IN NEW HOME

The Housewives' League gave a reception yesterday to the women who are attending the National Cannery convention, in session at the Hotel Astor. The reception was also the formal opening of the league's new headquarters, at 25 West Forty-fifth Street.

In the receiving line were Mrs. Julian Heath, president of the league; Mrs. Henry R. Caraway, first vice-president; Miss Edith Desher, second vice-president; Mrs. E. V. S. Chamberlain, treasurer; Mrs. Thomas A. Fuller, secretary; Miss Emma Bosson, dietitian, and Miss Martha J. Fuller and Mrs. Wilbur F. Osler, state chairman of New Jersey.

Mrs. Alice W. Gifford poured tea. A special committee appointed to make the guests feel at home included Mrs. Edward Standish Robinson, Mrs. Harry M. Crowder, Mrs. Samuel Kaufman and Mrs. J. K. Whitney.

Shoe Sale
20% Discount
Continued

The perfection of shoe construction is attained in these exclusive winter models. This sale offers unusual opportunity to obtain them economically.

Our shoes are sold in our own shop only.

Button and Lace Boots
for Men and Women

FRANK BROTHERS
Fifth Avenue Boot Shop
Fifth Avenue
Between 26th and 27th Sts.
No mail orders filled at discount prices.

Playing Tag o'er the Seven Seas

The Koenigsberg and the Emden and the other raiders have passed into history—with the British merchantmen that sleep in Davy Jones' locker. But where are the German merchant ships, and how stands the count in this war-game of naval tag?

There are romance and adventure and excitement and eye-opening cold truth in this comprehensive narrative of the great game of scuttle-your-ship as played by the German and British navies, and it is all in

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